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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA (DMR)

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND THE CUT-
OFF FOR THE DEPOSITIONS OF
MOTOROLA MOBILITY, INC.,
DIPCHAND NISHAR, AND
TIMOTHY LINDHOLM**

Judge: Honorable William H. Alsup

STIPULATION

WHEREAS, fact discovery in this case closed on August 15, 2011, except that the parties were permitted to schedule the depositions of senior executives up to August 31, 2011;

WHEREAS, the parties have completed all but three fact depositions, described below;

WHEREAS, Oracle America, Inc. ("Oracle") served a Subpoena to Testify at a Deposition in a Civil Action on third-party Motorola Mobility, Inc. ("Motorola"), pursuant to Federal Rule of Civil Procedure 30(b)(6), on July 14, 2011;

WHEREAS, Motorola had declined to provide a date for the deposition, Oracle filed a Motion to Compel Deposition of Motorola on August 5, 2011, in the U.S. District Court for the Northern District of Illinois;

WHEREAS, on August 11, 2011, Judge Der-Yeghiayan of the U.S. District Court for the Northern District of Illinois directed Motorola to provide one or more witnesses for oral deposition in response to Oracle's Rule 30(b)(6) deposition topics within one month of August 11, 2011;

WHEREAS, the parties agree to an extension of the deposition discovery cut-off to September 11, 2011, for the limited purpose of completing the Motorola deposition;

WHEREAS, on August 10, 2011, Judge Ryu granted Oracle's motion to depose former Google employee Dipchand Nishar for a maximum of three hours, exclusive of breaks, on topics relevant to the willfulness of Google's alleged patent infringement and Android's place in Google's mobile strategy;

WHEREAS, Mr. Nishar is available for deposition on September 8, 2011, and Oracle has served a subpoena for his deposition on that date;

WHEREAS, the parties agree to an extension of the deposition discovery cut-off to September 8, 2011, for the limited purpose of completing Mr. Nishar's deposition;

WHEREAS, on August 25, 2011, Judge Ryu granted Oracle's motion for production of certain e-mails of Timothy Lindholm and ordered that Mr. Lindholm's deposition be scheduled promptly;

WHEREAS, Mr. Lindholm's deposition has been scheduled for September 7, 2011; and
STIPULATION TO EXTEND THE CUT-OFF FOR THE DEPOSITIONS OF MOTOROLA, DIPCHAND NISHAR, AND
TIMOTHY LINDHOLM
CASE NO. CV 10-03561 WHA (DMR)
pa-1479939

1 WHEREAS, the parties agree to an extension of the deposition discovery cut-off to
2 September 7, 2011, for the limited purpose of completing Mr. Lindholm's deposition.

3 NOW THEREFORE THE PARTIES HEREBY STIPULATE AND AGREE that:

4 1. The deposition discovery cut-off shall be extended to September 11, 2011, for the
5 limited purpose of completing the Motorola deposition on Oracle's Rule 30(b)(6) topics.

6 2. The deposition discovery cut-off shall be extended to September 8, 2011, for the
7 limited purpose of completing the deposition of Dipchand Nishar.

8 3. The deposition discovery cut-off shall be extended to September 7, 2011, for the
9 limited purpose of completing the deposition of Timothy Lindholm.

10 4. No other deadlines in this case will be affected by the foregoing extensions. The
11 parties will not use these extensions to argue for a delay of the trial date or any other deadlines in
12 this case.

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14 **ORDER**

15 The foregoing stipulation is approved, and IT IS SO ORDERED.

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17 Date: _____

18 _____
19 Honorable William Alsup
20 Judge of the United States District Court
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1 Dated: September 1, 2011

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2 By: /s/ Daniel P. Muino

3 Daniel P. Muino

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1 Dated: September 1, 2011

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GOOGLE INC.

ATTESTATION

I, Daniel P. Muino, am the ECF User whose ID and password are being used to file this **STIPULATION AND [PROPOSED] ORDER TO EXTEND THE CUT-OFF FOR THE DEPOSITIONS OF THIRD PARTIES MOTOROLA MOBILITY, INC. AND DIPCHAND NISHAR.** In compliance with General Order 45, X.B., I hereby attest that Matthias Kamber has concurred in this filing.

Date: September 1, 2011

/s/ Daniel P. Muino
Daniel P. Muino